

SENATE BILL 569

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21 and Title 8, Chapter 50, Part 6, relative to the Public Employee Political Freedom Act of 1980.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-50-603, is amended by deleting subsection (a) and substituting instead the following:

(a) It is unlawful for a public employer to terminate or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment solely because such employee exercised that employee's right to communicate with an elected public official.

SECTION 2. Tennessee Code Annotated, Section 8-50-603, is amended by deleting subsection (b) and substituting instead the following:

(b) If a court of competent jurisdiction determines that a public employer has terminated or otherwise discriminated against an employee with respect to compensation, terms, conditions, or privileges of employment solely because the employee exercised the rights provided under this part, the employee is entitled to compensatory damages plus reasonable attorney fees, subject to the limitations of § 4-21-313.

SECTION 3. Tennessee Code Annotated, Section 8-50-603, is amended by adding the following new subsection (c):

(c) If a court of competent jurisdiction determines that a party has filed a frivolous lawsuit under this part, including a suit to harass or economically harm an employer, the court shall fine the employee in an amount not to exceed \$5,000, at the

discretion of the court, and may award reasonable attorneys' fees and costs to the employer.

SECTION 4. Tennessee Code Annotated, Section 4-21-313(a), is amended by deleting "or § 50-1-304" and substituting instead "§ 8-50-603, or § 50-1-304".

SECTION 5. Tennessee Code Annotated, Section 4-21-313(a)(1), is amended by deleting "§ 50-1-304" and substituting instead "§ 8-50-603 or § 50-1-304".

SECTION 6. Tennessee Code Annotated, Section 4-21-314, is amended by deleting "or § 50-1-304" wherever it may appear and substituting instead "§ 8-50-603, or § 50-1-304".

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.